

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

GROVER STEVEN SANDERS)
)
)
vs.) Case No. 6:05-cv-08031-LSC-HGD
)
)
UNITED STATES OF AMERICA)

O R D E R

On April 29, 2005, the magistrate judge's report and recommendation was entered and the parties were allowed therein fifteen (15) days in which to file objections to the recommendations made by the magistrate judge. To date, neither petitioner nor the Government have filed objections.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge and it is, therefore,

ORDERED, ADJUDGED and DECREED that the Government's motion to dismiss Sanders' § 2255 motion, solely on the basis of the appeal waiver provision in the plea agreement, is due to be and hereby is DENIED. This action is referred back to the magistrate judge for further proceedings.

Done this 2nd day of June 2005.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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